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The Honorable

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KROGER, INC. d/b/a FRED MEYER	)	Case No. 18-2-07061-4
STORES, INC.,	)	
	)	DEFENDANTS' NOTICE OF REMOVAL
Plaintiff,	)	
	)	
vs.	)	
	)	
CENTIMARK CORPORATION, BRIAN	)	
RAYMORE, and ARCH INSURANCE	)	
COMPANY,	)	
	)	
Defendants.	)	

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,  
Defendants CentiMark Corporation, Brian Raymore, and Arch Insurance Company hereinafter  
“Defendants,” hereby remove this action from the Superior Court of the State of Washington for  
Pierce County to the United States District Court for the Western District of Washington in  
Seattle.

NOTICE OF REMOVAL IS TIMELY

1.

Defendants are parties in a civil action brought against them in the Superior Court of the

1 State of Washington for Pierce County entitled: *Kroger, Inc. d/b/a Fred Meyer Stores, Inc. v.*  
2 *CentiMark Corporation, Brian Raymore, and Arch Insurance Company*, NO: 18-2-07061-4 (A  
3 copy of the Summons and Complaint in that action is attached to this Notice as Exhibit 1).

4 2.

5 The state court action was commenced when the Complaint was filed with the Superior  
6 Court Clerk for Pierce County, Washington, on or about April 4, 2018. Defendants, through their  
7 counsel, accepted electronic service of the Complaint and Summons on April 11, 2018. (A copy  
8 of the confirmation of service is attached as Exhibit 2).

9 3.

10 Plaintiff's Complaint alleges breach of contract, bad faith, and violations of the Consumer  
11 Protection Act. The Complaint does not allege any specific amount in controversy but did allege  
12 entitlement to attorney fees. No Answer has been filed by Defendants, nor has any discovery taken  
13 place.  
14

15 4.

16 Pursuant to 28 U.S.C. § 1446(b)(3), except as provided under subsection (c), if the case  
17 stated by the initial pleading is not removable, a notice of removal may be filed within thirty days  
18 after receipt by the defendant, through service or otherwise, of a copy of an amended pleading,  
19 motion, order or other paper from which it may first be ascertained that the case is one which is or  
20 has become removable.  
21

22 5.

23 Plaintiff and/or its counsel failed to disclose the actual amount in controversy to prevent  
24 removal. **However, the amount in controversy will exceed \$75,000.**

25 ///

DIVERSITY JURISDICTION EXISTS

6.

Plaintiff is an Ohio corporation doing business in Pierce County of the State of Washington. Defendants CentiMark Corporation and Brian Raymore are both domiciled in Pennsylvania. Defendant Arch Insurance Company is domiciled in Missouri with its headquarters in New Jersey.

7.

The amount in controversy exceeds the sum of \$75,000.00 and Defendants and Plaintiff are citizens of different states.

REMOVAL TO THIS DISTRICT IS PROPER

8.

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removal of the above-captioned state court action to this Court is appropriate. 28 U.S.C. § 1446(b)(3).

9.

Pursuant to 28 U.S.C. § 1441(a), removal is made to this Court as the district embracing the place where the state action is pending.

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10.

Defendants are providing the Plaintiff, through his counsel of record, written notice of the filing of this Notice of Removal. Furthermore, Defendants are filing a copy of this Notice with the Superior Court Clerk of Pierce County.

DATED May 1<sup>st</sup>, 2018.

THENELL LAW GROUP, P.C.

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Phone: (503) 372-6450  
*Of Attorney for Defendants CentiMark, and  
Brian Raymore*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 1st, 2018, I served the foregoing

**DEFENDANTS' NOTICE OF REMOVAL** on:

Thomas B. Nedderman  
Floyd, Pflueger & Ringer  
200 W Thomas Street  
Seattle, Washington 98119  
Email: [tnedderman@floyd-ringer.com](mailto:tnedderman@floyd-ringer.com)  
*Of Attorney for Plaintiff*

  x   by electronic means through the Court's Case Management/Electronic Case Filing system on the date set forth above.

       by mailing a full, true and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon on the date set forth above.

  x   by emailing to each of the foregoing a copy thereof to the last known email address shown above.

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*Of Attorney for Defendant CentiMark,  
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